Conference on Human Rights

International Tribunal

on Human Rights Violations of Political/POW Prisoners in the United States

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Introduction

Political Prisoners in the USA

There are political prisoners in the United States! Though the government denies it, this is the shocking reality. More than 100 persons are incarcerated in U.S. prisons for their political actions or beliefs.

The official position is that they are "common criminals," but this conclusion does not stand any serious analysis. To the contrary, the accumulated evidence on each and every one of the cases reveals systematic harassment and persecution of selected persons for opposing the U.S. government and its policies with regard to colonialism, militarism, and social justice.

Theses persons are known and respected for their longstanding activism in struggles for Native American sovereignty, Black liberation, Puerto Rican independence, and for their struggles against racism, imperialism, women's oppression, and nuclear weapons. They have challenged U.S. policies through a variety of forms, including civil disobedience, armed political actions, and grand jury resistance.

The arrests, trial procedures, sentencing, and incarceration reveal a continuous violation of their human rights ranging from isolation, sensory deprivation and psychological torture, to physical aggression and sexual abuse. The situation of political prisoners, and those who claim Prisoner of War status, is flagrantly inconsistent with the basic norms of international law as accepted by all states, including the United States.

The problem of the prisoners is most severely aggravated by the denial of the United States that it holds political prisoners, thus keeping their condition hidden from normal forms of international scrutiny. In fact, the U.S. government has taken elaborate steps to confuse world public opinion as to the true character of these prisoners, because their existence exposes deep injustices in U.S. society. Furthermore, behind the screen of secrecy the jailers hope to break the prisoners' bodies and spirits before an international conscience moves in a solidary effort to demand an end to these abuses and for their immediate freedom.

A group of concerned organizations and individuals in the U.S. and Puerto Rico have pledged themselves to bring to the attention of the North American and international communities, the human rights violations which are routinely perpetrated by the U.S. government against these prisoners. They have joined forces to organize consciousness-raising activities on the issue. The culmination of this process will be a Tribunal, including an international panel of people of universally recognized moral reputation, who will judge the validity of the charges against the United States of persistent violations of human rights contained in the indictment.

Three activities antecede the Tribunal: a Symposium on human rights violations of political prisoner/Prisoners of War in U.S. North American jails, a Religious National Summit to examine the problem from a theological point of view, and a Literary Reading in solidarity with the prisoner. The symposium took place last April at the Borough of Manhattan Community College. More than 200 hundred persons attended the all day activity. Some of the participants are actively involved in working for the Tribunal.

The Religious National Summit took place on July 28, 1990. Its goal was to bring together distinguished religious leaders to examine the present conditions of the prisoners from a theological perspective, and the responsibility of religious institutions in eliminating inequities and violations.

The Literary Reading in Solidarity with Political/POW prisoners will take place on October 24, 1990. Its goal is to bring together a group of distinguished North American and Third World writers to express, through their creative participation, solidarity with the prisoners.

The culmination of these consciousness-raising activities will be the Tribunal, to be held at Hunter College from December 7-10, 1990.

A group of 11 persons of internationally recognized moral standing will examine the grievances of the prisoner/POWs and concerned human rights organizations against the government of the United States. They will pass judgment on the evidence presented to substantiate the charges of human rights violations against the United States and they will deliver a verdict based on the factual legal foundations presented.

The Tribunal will be attended by national and international observers from human rights organizations. The diplomatic corps accredited in Washington will be invited as well as selected members of the United Nations and grassroots organizations concerned with human rights in the United States.

Dr. Luis Nieves Falcón, Coordinator

POLITICAL PRISONERS IN THE UNITED STATES: THE HIDDEN REALITY

By Michael E. Deutsch and Jan Susler

Geronimo ji Jaga Pratt, a former leader of the Black Panther Party, an African-American organization fighting for self-determination in the 1960's, has served 22 years in prison for a murder the U.S. government knows he did not commit. FBI documents reveal the agency considered him a prime target of COINTELPRO, a U.S. government secret program to destroy the Black liberation movement. The victim's wife identified another man as the killer and was later coached by police to identify Pratt. The FBI withheld surveillance documents which established Pratt's presence at the time of the murder at a meeting 350 miles away from the scene of the murder. Denied parole several times, the state explains he is being kept in prison not because he is thought to be a murderer but because he is still a revolutionary.

Dhoruba al-Mujahid Bin Wahad, another Black Panther Party leader and target of COINTELPRO, is serving a term of 25 years to life, falsely accused of the attempted murder of a New York City policeman. The FBI withheld documents revealing that the prosecutor (now a federal judge) suppressed evidence that the key prosecution witness had initially reported Bin Wahad was not involved and only changed her testimony after extreme pressure by government agents. Twenty years later, after the discovery of the suppressed documents, Bin Wahad is fighting to reopen his case.*

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* Recently released due to prosecutorial misconduct after 19 years in jail. Awaiting new trial.

Alejandrina Torres, a 50 year old Puerto Rican woman, is serving a 35 year sentence for seditious conspiracy — "opposing the U.S. government's authority over Puerto Rico by force." The FBI collected evidence against her and other independentistas by planting hidden video cameras in private dwellings and secretly recording all activity. Since her imprisonment, U.S. prison authorities have carried out a six year campaign to break her spirit, including numerous assaults, denial of medical care, sensory deprivation and small group isolation in an experimental Women's High Security Unit.[1]

Leonard Peltier, a member of the American Indian Movement, also a COINTELPRO target, has spent 13 years in prison convicted of killing two FBI agents. In spite of the prosecution's concession that it could not prove who shot the agents and in spite of the acquittal of his co-defendants on the basis of self-defense, Peltier has been denied all legal attempts for freedom. The government fraudulently extradited Peltier from Canada and put him through a trial fraught with manufactured evidence and perjured FBI testimony. Serving two consecutive life sentences, he spent several years at USP Marion, the most maximum security prison in the United States.

Jean Gump, a mother of twelve, and a grandmother, with four other disarmament activists entered an isolated Minuteman II nuclear weapon silo where they used sledgehammers to try to split and disarm the track used to open the 120 ton missile covers. They cut the electrical sensor equipment, poured blood on the silo covers in the form of a cross, and spray painted "Disarm and Live for the Children" on the silo cover, leaving at the site indictments charging the U.S. government with crimes against humanity and the law of God, for its complicity in the arms race. Sentenced to six years in federal custody for this non-violent protest act, Gump was recently placed in segregation for refusing a humiliating drug urinalysis when staff would not assure her privacy from male guards.

Despite its numerous and vociferous denials, the public record clearly shows that the United States government holds numerous political prisoners in its jails and penitentiaries. These men and women, African-Americans, Puerto Ricans, Native Americans, Chicano-Mexicanos, white citizens and even foreign nationals, have been targeted for their political activities within the borders of the U.S. as well as abroad, and victimized by purposeful, harsh, discriminatory treatment in the U.S. judicial system. In the process of employing the U.S. legal system—including prosecutors, police, courts, judges, and the prisons — for political ends, the legal system has adopted counter-insurgency methods and has become more repressive and undemocratic.

U.S. political prisoners can be roughly divided into three categories: (1) foreign nationals whose political status or political activities against allies of U.S. imperialism (e.g., Israel, Great Britain, El Salvador) result in detention or imprisonment; (2) members of U.S. oppressed nationalities (African-Americans, Puerto Ricans, Chicano/ Mexicanos and Native Americans) who are prosecuted and imprisoned for political activities in furtherance of their movements for liberation and justice.[2] Included in this group are anti-colonial combatants or Prisoners of War - members of national liberation movements who as part of clandestine organizations have employed armed struggle as a means to achieve self-determination and independence for their nation and upon capture have the right, under the Additional Protocols of the Geneva Convention and the U.N. General Assembly Resolutions, to POW status and not to be tried as domestic criminals; (3) white people who have acted in solidarity with the liberation movements of oppressed nationalities and/or in opposition to U.S. foreign or domestic policies.

As to each of these groups the U.S. judicial system has operated to accomodate the political interests of the U.S. government and has detained or imprisoned scores of men and women.

WHO ARE THE POLITICAL PRISONERS AND PRISONERS OF WAR?

Oppressed Nationalities

In the 1960's in many oppressed communities within the United States there emerged a more militant resistance to racial and economic oppression that culminated in organized efforts toward national liberation. Mass organizations demonstrated in the streets, and clandestine organizations and armed self-defense groups began to function in the Black community,[3] in the Puerto Rican barrios,[4] among Mexican people in the southwest U.S.,[5] and on Native American reservations.[6]

It is the militancy and fundamental anti-colonial character of these movements which have been the primary impetus for the implementation of counter-insurgency methods of repression, including special restrictive procedures during trials and the creation of high security/isolation prison units. These liberation movements, which emerge from the struggles for the fundamental rights of survival of the oppressed communities of the United States, pose the greatest potential threat to the U.S. ruling class, which has engendered qualitative repressive changes in the U.S. legal system.

White U.S. Citizens - Solidarity and Resistance

Activists in this category have in common that they are white citizens of the U.S. who cannot stand by as the United States pursues its unjust and oppressive domestic and foreign policies. Beyond these commonalities, the movement is rich in its diversity, ranging from faith-based non-violence to armed resistance. Among the groups and individuals who have been repressed and imprisoned for their political actions are the Plowshare protesters:[7] non-violent religious activists who have carried out direct symbolic action against war materials, hammering bombers, computers or missile nose cones and pouring blood on documents; the Sanctuary movement: clergy, lay church workers and political activists who have worked with illegal Central American refugees who enter the U.S. without immigration documents and provided them sanctuary from capture and a forum from which to speak out about the war in their homeland; [8] those who refuse to register for the U.S. military service as required by law; [9] and clandestine cells of anti-imperialist fighters who have employed armed resistance in solidarity with liberation struggles here and abroad.[10]

Foreign Nationals in the U.S.

The U.S. legal system is used not merely to quell domestic dissent and destroy national liberation movements within its borders. It also serves the government's allies in effecting their own counterinsurgency programs. In so doing, it echoes and enforces U.S. foreign policy.

For the last six years Joseph Doherty has been held in U.S. custody, although he is not awaiting trial in the U.S. and has never been convicted of a crime in the U.S. This Irish citizen, a member of the Irish Republican Army, served three periods of imprisonment in Ireland for his activity in support of self-determination. During his trial for the death of a Special Air Service counterintelligence unit soldier, he escaped from British custody. He was captured in the U.S. three years later. The British government has consistently sought his extradition. Mr. Doherty is not safe from extradition in spite of numerous U.S. federal court and immigration court decisions finding he is non-extraditable.[11] After every decision in Doherty's favor, the U.S. Attorney General has intervened and ordered his extradition.

Using immigration laws as a means of implementing its hegemonist foreign policy,[12] the United States detains in large numbers refugees from El Salvador and Guatemala, fleeing repression and war financed by U.S. dollars. Those who make it across the militarized U.S. borders are treated as criminals; those men, women and children who seek political asylum are locked up behind bars and barbed wire fences, barring them from access to legal counsel, preventing detained family members from seeing each other.[13] As of February, 1989, close to 4,000 refugees were being held in Texas. Immigration and Naturalization Service (INS) documents explicitly acknowledge "the purpose of detention as deterrent."[14] A U.S. court has found that detention is "inherently coercive and often deliberately intimidating."[15]

In March of 1986 the United States opened in Oakdale, Louisiana, a federal alien detention center,[16] with a capacity to house 5,000, the largest detention center of its kind in the U.S.

As for Haitian refugees, some are detained in seriously overcrowded facilities, while most are interdicted, that is to say intercepted before they set foot on U.S. soil, and rejected. Interdiction, which occurs outside the jurisdiction of the U.S., permits the government to avoid the obligations of its own law.[17]

In early 1987 the INS arrested seven Jordanian citizens and one Kenyan citizen, all residents of the United States. The FBI had surveilled the eight for ten months and detected not a single substantive law violation. Instead they were arrested on immigration charges seeking their deportation based on their alleged membership in or affiliation with a group (the PLO and PFLP)[17a], the U.S. government charges advocates world communism or unlawful destruction of property. The essence of the charge was that the eight read and distributed pro-Palestinian literature. Though they had no prior criminal records, they were treated as maximum security cases, held in preventive detention and isolation, later to be released on bond.

Discovery revealed that the case was a dry run for a secret, interdepartmental "Alien Terrorists and Undesirables: A Contingency Plan," which focused on citizens from seven Arab nations and Iran, and which provided for massive roundups and detentions, and summary deportation.

THE CRIMINALIZATION OF POLITICAL ACTIVISTS: THE NEW REPRESSION

Over the last ten years the U.S. government has begun to employ a counter-insurgency strategy[18] of repression against movements of oppressed U.S. nationalities and other political movements and activists.

The law-enforcement implementation of this strategy occurs primarily through the police power of the Federal Bureau of Investigation (FBI), the prosecutorial powers of the U.S. Justice Department and within the U.S. federal courts and prisons. As a result judicial counter-insurgency methods are gradually appearing within U.S. federal law and judicial procedures. Many of these new judicial developments parallel repressive measures by other western "democracies" faced with insurgent political movements.[19] This new "repression" has the following defining components:

A) SURVEILLANCE AND INTELLIGENCE GATHERING

A key ingredient to the success of any counter-insurgency program is the ability of law enforcement to have sufficient powers to identify potential participants and supporters of insurgency, and to thoroughly surveil the activities of these targets.[20]

U.S. FBI guidelines released in 1983 by the then Attorney-General William French Smith greatly expanded the power of the FBI to gather political intelligence and infiltrate political groups. Referring specifically to its use in "Domestic Security/Terrorism Investigations",

> *We must ensure that the criminal intelligence sources which have been brought to bear so effectively on organized crime are effectively employed in domestic security/terrorism cases.*

The Smith guidelines allow the FBI to investigate and infiltrate groups which merely advocate unlawful activities without evidence of criminal wrongdoing. These new guidelines provide legal justification for full scale spying and intelligence-gathering on all sectors of political movements organizing against the U.S. government and its policies.

As part of this expanded intelligence-gathering, U.S. government law enforcers have employed sophisticated technology, including miniature cameras and microphones secretly planted in activists' homes, cars and work places[21] and computers to catalogue and cross-reference data obtained from intelligence-gathering.

B) COMPULSORY POLICE QUESTIONING AND POLITICAL INTERNMENT

Directly related to law enforcement intelligence-gathering and political surveillance is the power to compel citizens to submit to questioning.[22]

While U.S. security forces have not moved for the right to compel interviews of citizens, the investigatory methods of the FBI and the use of the federal grand jury's subpoena and coercive contempt power have created a de facto compulsory interviewing power. In efforts to investigate and identify anti-government activists, the FBI has carried out an extensive program of surveillance and of visiting people's homes and work places to carry out interviews. The tactic of repeated visits to homes and workplaces, including the questioning of neighbors and co-workers, has a strong coercive effect, forcing people to submit to FBI questioning.

The Justice Department and FBI have also repeatedly usurped the U.S. federal grand jury subpoena power[23] to compel information in secret proceedings for investigative purposes. After the grant of limited "use" immunity, which strips the subject of all rights to remain silent, the subpoenee must essentially answer all questions regardless of their political or personal nature or relevancy, or go to jail. This gives the government a power to politically intern political activists who will not provide information about their movements.[24]

Another new power of political internment prior to criminal conviction is provided by the Bail Reform Act of 1984. Under this new law the government can hold people in prison awaiting trial indefinitely without any bail if they are found to be a danger to their community or a risk of flight.[25]

C) SPECIAL LAWS—SEDITIOUS CONSPIRACY— AND THE CRIMINALIZATION OF ORGANIZATIONS

The U.S. government has recently employed the seldom-used criminal statute of seditious conspiracy against political activists — the charge of agreeing to oppose or overthrow the government of the U.S. by force. In the case of the Puerto Rican Independence Movement the charge is to oppose by force the U.S. authority — and therefore criminalizes membership in groups that fight for the legitimate right of the people of Puerto Rico to self-determination and independence.

The RICO statute (Racketeer Influenced Corrupt Organization Act), a law originally passed to address organized crime influence in the labor field, has also been turned against political activists and their organizations. The law has now been applied to designate as criminal enterprises organizations with political aims and to try members of such groups under broad conspiracy rules which allow for up to 40 years in prison.[26] Using the shibboleth of fighting terrorism, U.S. counter-insurgency experts are also planning new substantive laws to criminalize political association and activity.[27]

D) THE RIGHTS OF POLITICAL DEFENDANTS ON TRIAL

A whole series of serious repressive measures has been instituted and/or refined in the course of recent criminal prosecutions of political activists.

1) Anonymous Petit Jury. While first appearing in several cases involving jury-tampering in organized crime prosecutions, the use of the anonymous trial jury in the prosecutions of political activists is greatly increasing, particularly where the defendants are accused of associations with clandestine groups.[28] The juror, given a number to replace his/her name, is told s/he will not be asked to identify his/her work place or address, because of violence associated with the case. Such a juror can only be seriously prejudiced against the accused by this procedure.

The process of influencing or restricting the independence of the jury — the only real hope for those charged in political cases — is critical to an effective counter-insurgency program. The complete elimination of jury trials for so-called political offenses is a common factor in countries engaged in counter-insurgency campaigns.

2) Courtroom Security. The trials of many political activists in the United States courts have been accompanied by extraordinary courtroom security procedures, which are not related to any real threat, but are calculated to create the public impression that the defendants are dangerous terrorists who should be feared by the jury and the general public.

Metal detectors, concrete bunkers, armed U.S. marshals, sharp shooters on roofs surrounding the courthouse, multiple searches and the requirement of spectators showing identification before entering the courtroom are the usual practices.[29]

3) Motions in Limine and Ex Parte Submissions. While motions in limine are a traditional trial tool to restrict the introduction of irrelevant evidence, in recent political cases they have been used to prevent the jury from hearing any of the political ideas of the accused. Puerto Rican independentistas charged with opposing U.S. authority over Puerto Rico have been disallowed from presenting any evidence about the illegal colonial domination of the U.S. over Puerto Rico.[30]

Also, in these trials, the prosecution frequently submits documents and other matters to the court, in camera and exparte, for unspecified "security" reasons. In almost all cases there is no valid security reason for these submissions, but the courts accept them without any meaningful opportunity for the defense to challenge.

4) Sentencing - Informants. Political activists convicted in U.S. courts have routinely received draconian sentences, demonstrably higher than non-political defendants and often designed to hold them for life.[31] Counts are run consecutively with maximum time on each. In some cases in which the accused have claimed Prisoner of War status, refusing to submit to the court's jurisdiction, illegal sentences have been imposed.

5) Attacks on Lawyers. As part of the counter-insurgency and use of media strategy to isolate political prisoners, the government has also targeted their lawyers and legal workers. Attorney-client meetings in U.S. prisons have been secretly taped, lawyers' cars and hotel rooms bugged, and the briefcase of a legal worker seized pursuant to a search warrant after a visit with her client.[32]

In addition, lawyers have been accused, without any proof or formal charge, of assisting clients in escape plots and acting as couriers. This tactic is designed to discourage lawyers from fighting the government counter-insurgency program and vigorously representing their clients. Those who are not intimidated are then subject to attack and criminalization themselves.

6) Special Prisons and Special Treatment of Prisoners. The special and punitive treatment of incarcerated political activists in U.S. prisons clearly underscores their status as political prisoners. Through special, brutal conditions, the government seeks to punish imprisoned political people and make examples of them in such a way as to intimidate others from following in their footsteps, in spite of the basic principle of the United Nations Standard Minimum Rules for the Treatment of Prisoners [Rule AI6(1)] which proscribes discrimination on grounds of political opinion. The U.S. seeks to punish and destroy the revolutionary spirit, the will, the resistance of the prisoners and through them, their movements.

Emboldened by government inspired anti-terrorist hysteria, and the virtual abdication of oversight responsibilities on the part of U.S. Congress and the U.S. courts, prison authorities act with impunity generally, but especially toward the POW's and political prisoners. The arsenal of tactics includes a denial system which uses isolation and special prisons,[33] destabilization through numerous prison transfers, humiliation, denial of medical treatment, physical and sexual assault, and continual harassment and vigilance.

A less subtle form of isolation is the Control Unit, which describes Marion Federal Prison, the most maximum security prison in the U.S. In such Control Units or prisons, the policy is to totally control not merely the prisoner's body, but also the mind. Prisoners are typically confined, indefinitely, to a small single cell or to small group isolation for 22-24 hours a day in an environment devoid of human contact and sensory stimulation.

The federal appellate court which upheld the constitutionality of the Marion regime described the conditions thusly:

> *As a result of the permanent lockdown, each inmate at Marion is confined to a one man cell (there are no female inmates in the prison) round the clock, except for brief periods outside the cell for recreation (between 7 and 11 hours a week), for a shower, for a visit to the infirmary, to the law library, etc . . . Recreation means pacing in a small enclosure -sometimes just in the corridor between the rows of cells. The inmate is fed in his cell, on a tray shoved in between the bars. The cells are modern and roomy (8'x10') and contain a television set as well as a bed, toilet, and sink, but there is no other furniture and when an inmate is outside his cell he is handcuffed and a box is placed over the handcuffs to prevent the lock from being picked; his legs may also be shackled. Inmates are forbidden to socialize with each other or to participate in group religious services. Inmates who throw food or otherwise misbehave in their cells are sometimes tied spreadeagled on their beds, often for hours at a stretch, while inmates returning to their cells are often (inmates of the control unit, always) subjected to a rectal search: a paramedic inserts a gloved finger into the inmate's rectum and feels around for a knife or other weapon or contraband. Bruscino vs. Carlson, 854 F.2d 162, 164 (7th Cir. 1988).*

The Women's High Security Unit at the federal prison in Lexington, Kentucky (HSU), a special small group isolation prison for political women, was designed specifically to destroy the three women political prisoners placed there; Alejandrina Torres, Susan Rosenberg and Silvia Baraldini:

> *This program sets up a hierarchy of objectives. The first of these is to reduce prisoners to the state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them desperate enough to destroy themselves.*[34]

The objectives were to be accomplished by the conditions in this underground prison: a restricted sensory environment, small group isolation, ill-fitting clothing, limited and censored reading material, shackling and handcuffing, strict limitation on telephone calls and visitors, as well as multiple daily strip searches, patdown searches by male officers, voyeurism and general/harassment by staff.

Amnesty International was moved by the similarity of the HSU to the Federal Republic of Germany's dead wings and white cells to accomplish the same goals with respect to the Red Army Fraction (RAF). Amnesty's observer noted of the HSU:

> *The conditions and regime are deliberately and gratuitously oppressive. The constant and unjustified use of security chains, the repeated strip searching, the almost total lack of privacy, the claustrophobic lack of sensory stimuli, freedom of movement, possessions, choice of activities and incestuously small range of contacts cannot be other than debilitating . . . There is no need for these prisoners to be at HSU . . . There is overwhelming evidence that the prisoners at HSU have deteriorated physically and psychologically during their custody there. There has to be a prospect that one or more will finally resort to suicide should their custody at HSU be prolonged. I conclude therefore that HSU should close forthwith.*[35]

Amnesty found:

> *. . . the conditions and placement of the women on the basis of their politics . . . constitute cruel, inhuman and degrading treatment in violation of the Universal Declaration of Human Rights.*

A critical aspect of the entire counter-insurgency strategy is the use of the mass media to discredit and dehumanize the political activists. The inflammatory use of "terrorist" and "terrorism" replaces any rational discussion of the issues underlying the actions of those targeted. The government seeks to place the media under its discipline when covering issues concerning political opposition to the government.[36]

CONCLUSION

While the U.S. has tried to hide the reality of its political prisoners and its politically repressive legal system, the truth cannot be denied. Today, throughout the United States, people who are part of the movements these prisoners represent are organizing, educating, and making demands for the human rights of the prisoners as well as for their unconditional amnesty.[37] The U.S. holds political prisoners in violation of international law and its own domestic law. Progressive lawyers, because of the protected right of access to the prisoners, have a special responsibility to monitor and expose their human rights violations. These prisoners should be immediately released and allowed to return to their political work on behalf of freedom, justice and equality.

1 The authors are attorneys with the People's Law Office in Chicago, Illinois and are active in the representation of U.S. political prisoners and prisoners of war.

2 The U.S. has one of the largest prison populations in the world, made up almost entirely of oppressed nationalities and poor people. From this same population comes almost exclusively those given the death penalty. The warehousing in overcrowded and inhumane conditions is part of the government's strategy to control potentially insurgent populations.

3 The Black liberation movement of the 1960's and early 1970's, from Martin Luther King to Malcolm X to the Black Panther Party ("BPP"), the Republic of New Africa (RNA) and the Nation of Islam, was targeted by the FBI's COINTELPRO program, in a design to "expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist hate-type organizations and groupings, their leadership, spokesmen, membership and supporters." The then FBI director, J. Edgar Hoover, viewed the BPP as the "single greatest threat," which should become the subject "of imaginative and hard-hitting counterintelligence measures aimed at crippling the BPP." An FBI memo spelled out the goals of destroying the self-determination efforts of Black people, including "preventing the rise of a messiah," preventing leaders from gaining respectability by discrediting them, and preventing the development of organizations, especially among youth.

Pursuant to the COINTELPRO program, Panther leaders were murdered and many were framed with criminal charges which have resulted in two decades of imprisonment. In the 1970's emerged clandestine formations of African-American freedom fighters including the Black Liberation Army (BLA). Many of these cadre were also killed or captured and given long prison sentences, including Herman Bell, Sundiata Acoli, Albert Nuh Washington, Sekou Odinga, Anthony Jalil Bottom.

4 The U.S. has a long history of attempts to crush the Puerto Rican independence movement. The independence movement has been a focus of government repression since the U.S. invaded that island nation in 1898. Within the last several years, Puerto Rico has been considered by the government to be "the Achilles Heel of the United States." Over the last 30 years there has emerged a clandestine movement in complement to the mass movement for independence. Numbers of these anti-colonial combatants have been captured, many asserting POW status and refusing to recognize the U.S. courts, others assuming the position of political prisoners.

5 Chicano-Mexicano people and their organizations seeking liberty and justice for Mexican people living in occupied northern Mexico have been subjected to a history of discrimination and repression for their demand for human rights. In the early 1970's, seven leaders of the Chicano/Mexican movement in the Southwest were killed and numerous others were imprisoned on politically motivated charges.

6 Native American activists likewise have experienced, since the Europeans came to North America, a repression to their resistance that has been of genocidal magnitude. In the 1960's and 1970's, the U.S. government escalated its attack on organized Native forces, the American Indian Movement (AIM), killing and jailing its leadership, and infiltrating its chapters pursuant to the FBI COINTELPRO program, attempting to crush the growing insurgency.

7 The name comes from the biblical passage to "beat swords into plowshares."

8 In hopes of breaking the sanctuary network, in a series of arrests the government charged clergy and lay workers with harboring, smuggling and transporting "illegal aliens" and with conspiring to do so. In one arrest the government swept up twelve prominent sanctuary workers, including two priests, a nun, and a minister, following an investigation which included a government informant infiltrating bible study groups. The court refused to allow the defendants to present evidence that their work with the refugees was necessary to save lives and to prevent imprisonment, persecution, torture and death.

In sentencing convicted sanctuary workers, some courts imposed alternative sentences — a defendant could choose probation, with the conditions that s/he stop working with Central American refugees and stop speaking about the sanctuary movement to the press or public, or s/he could go to prison.

9 Gilliam Kerley was sentenced to three years in prison plus a $10,000 fine, not merely for the acts of refusing to register but because he persisted in organizing against registration and the draft.

10 Two of these groups have been particularly targeted and victimized by the counter-insurgency strategy. The Ohio 7 is a group of working class men and women accused of membership in a clandestine organization which carried out numerous bombings in opposition to U.S. policy in Central America and in solidarity with the world-wide movement against apartheid. They were arrested following a massive counterinsurgency hunt coordinating local, state and federal law enforcement. Their young children were also captured, isolated and interrogated about their parent's activities. In a series of trials the seven faced accusations of political bombings, murder and attempted murder of police. They were then charged with seditious conspiracy, in spaite of the fact that most of them were already serving sentences of over 45 years. The other group is charged with conspiracy to bomb the U.S. Capitol in protest of the U.S. foreign policies, including the invasion of Grenada. These six men and women are long time political activists, virtually all of whom are already serving long prison terms for their acts of resistance and solidarity.

11 See, e.g., Matter of Doherty by the Government of the United Kingdom, 599 Supp. 270, 276 (S.D.N.Y. 1984) ("The facts of this case present the assertion of the political offense exception in its most classic form.").

12 The U.S. policy is reflected in the percentage rate for approval of asylum applicants. From June, 1983, to September, 1988; from El Salvádor, 2.7%, from Guatemala, 2.1%. In contrast, 61.7% of Iranians and 61.4% of Romanians were granted asylum for the same period. U.S. policy is also reflected in the INS Enhancement Plan for the Southern Border (February 16, 1989), which provides: "The INS Intelligence Program will continue ongoing liaison with other government agencies, particularly the CIA, Drug Enforcement Administration, and the Department of State . . ."

13 The government reactivated a facility in Arizona that had served as a concentration camp for detining Japanese Americans during World War II. On the Texas border the main Camp at Port Isabel is known as "the Corralon" (the great corral).

14 INS Enhancement Plan for the Southern Border, February 16, 1989, at p.8.

15 Orantes-Hernandez v. Meese, F. Supp. (D.TX., 4/28/88). See also, Helsinki Watch, Detained, Denied and Deported: Asylum Seekers in the United States (New York: June, 1989).

16 Before it was destroyed by a prisoner rebellion in 1987, Oakdale housed 1,000 Cuban "undocumented aliens" and 60 U.S. prisoners. The Cubans, who arrived on the Mariel boatlift, have either completed service of the sentences they received for criminal conduct within the U.S., or have never been brought to trial or sentenced. The detention capacity of Oakdale has since been shifted to Port Isabel, Texas.

17 The U.S. Committee for Refugees, Refugees At Our Border: The U.S. Response to Asylum Seekers, Sept. 1989, at pp. 12-13.

17a Later amendments to the anti-communist legislation protect all foreign nationals from exclusion and deportation based on beliefs and expression except the PLO.

18 The United States pentagon has provided the following definition of counter-insurgency which is generally accepted among so-called experts in the field:

Those military, para-military, political, economic, psychological and civic actions taken by a government to defeat subversive insurgency.

Insurgency is defined as: a condition resulting from revolt or insurrection against a constituted government that falls short of civil war. In the current context subversive insurgency is primarily communist inspired, supported or exploited. Dictionary of the United States–Military Terms for Joint Usage

19 A key defining characteristic of a counter-insurgency strategy is the assumption that the resistance of oppressed sectors of the population is inevitable and continuing. Therefore, the strategy of security forces, rather than react to individual acts or periods of heightened resistance, must be one of permanent repression directed against broad public sectors of a political movement. Even in periods of relative calm or inactivity, counter-insurgency principles mandate that the repressive forces be active identifying potential leaders and supporters of resistance, gathering information and building dossiers about them, as well as infiltrating political and community organizations.

In subsequent periods, as insurgent activities begin to emerge, counter-insurgency tactics suggest the use of law and the legal system as a key tool to attack and destroy the insurgent movements, while at the same time maintaining the appearance of the law as impartial and non-political.

20 In his treatise "Peace Keeping in a Democratic Society", Lt. Col. Robin Eveleigh, former commander of British occupation forces in Northern Ireland, argues that "population surveillance, including the right to question, photograph, fingerprint all members of a population affected by insurgency are the fundamental legal powers necessary for the police and army engaged in the suppression of

insurrection. Eveleigh also advocates that the population carry identity cards and the development of a computerized intelligence system linking all the identity cards.

21 See, e.g., U.S. v. Alejandrina Torres, et al., 83 CR 494 (N.D. Ill.); U.S. v. Victor Manuel Gerena, et. al., Crim. No. H-85-50 (D. Conn); U.S. v. Oscar López, et al., 86 CR 513 (N.D. Ill.).

22 In "Peace Keeping in a Democratic Society", Eveleigh argues that the power to conduct "compulsory interviews" is an essential tool of counter-insurgency programs:

> What then would be the objects of such an interview? They would be first the simple ones of finding out who lived in the terrorist-affected area, where they lived and what they looked like. These compulsory interviews would also enable the Security Forces, with a certain degree of error, to categorize the population into 'pro-government', 'neutral' and 'anti-government'. In security operations, as in most human activities, it is important to know who are your friends and who are your enemies. This information would be valuable not only from the point of view of security operations, but also as an indication to the government of what policies would be acceptable or unacceptable. (p. 21)

23 The U.S. federal grand jury, composed of 23 private citizens and modeled after a similar body in England, theoretically decides whether the government has sufficient evidence to require an accused to stand trial. While it is supposed to act as a protection to the accused the grand jury has been transformed into a rubber stamp of the prosecutor and used as a tool of investigation with the power to compel cooperation. See Deutsch, "The Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists," 75 Journal of Criminal Law and Criminology 1159 (Winter 1984).

24 See, e.g, U.S. v. Julio Rosado, et al., 728 F.2d 89 (2nd Cir. 1984); In re Cueto, 443 F.Supp. 1081 (S.D.N.Y. 1977); U.S. v. Watani Tyehimba, (Los Angeles, CA 1986).

25 Puerto Rican independence leader Filiberto Ojeda Ríos was detained over four years without trial and anti-imperialist activist Laura Whitehorn has been detained over three years.

26 See, e.g., U.S. v. Sekou Odinga, Silvia Baraldini, et al., 82 CR 312 (S.D.N.Y.)

27 Already a very expansive definition of terrorism has been placed in the U.S. federal law. In a statute providing for rewards to informers about terrorism, the law defines terrorism as an "act of violence" (including violence against property as well as persons) which violates criminal law "and appears to be intended . . . to influence the policy of a government by intimidation and coercion." With this broad definition of terrorism, further federal laws directly

criminalizing other political conduct as terrorist is much more likely. One statute proposed several years ago, but withdrawn in the face of strong opposition, was an effort to punish anyone providing aid to or soliciting aid for a terrorist movement, organization or nation. Under the legislation, the designation of a terrorist movement, organization or nation would be determined by the Secretary of State, and the defense to a charge of aiding or soliciting aid would permit no challenge to this designation.

28 See, e.g., U.S. v. Julio Rosado, 728 F.2d 89 (2nd Cir. 1984).

29 In a District of Columbia federal courtroom, where six white anti-imperialists will be tried for conspiracy to use force to alter U.S. foreign policy, the government constructed a thick plexiglass wall between the well of the courtroom, where the defendants will sit, and the spectator area. Cameras have been installed to monitor and record all conduct in the courtroom. U.S. v. Whitehorn, et al., No. 88-145 (D,C., D.C.).

30 In a trial of clergy and lay religious workers of the sanctuary movement charged with smuggling and harboring "illegal aliens," the defendants were forbidden from mentioning a host of terms which would have exposed the Unites States' war against the people of Central America as the basis for the flow of refugees and the need for the church to provide sanctuary. U.S. v. Maria del Socorro Pardo de Aguilar, et al., CR 85-008 (D.AZ.)

31 Susan Rosenberg and Timothy Blunk, white anti-imperialists and clandestine fighters were both sentenced to 58 years in prison for conspiracy and possession (not use) of a quantity of weapons and explosives and false identification. Their sentence is sixteen times longer than the average sentence meted out in federal court to weapons-possession offenders and twice in the average for first degree murderers. Oscar López Rivera, Puerto Rican prisoner of war, received his 55 year sentence for seditious conspiracy from the same judge who, in an earlier case sentencing López' co-defendants to terms of 55 to 90 years, had stated that he would have given them the death penalty if he could have under the law. See also, Marilyn Buck (50 years); Mutulu Shakur (60 years); Silvia Baraldini and Sekou Odinga (40 years); Leonard Peltier (two consecutive lifes); and Dhoruba Moore (25 to life).

32 U.S. v. Oscar López, et al., 86 CR 513 (N.D. Ill.)

33 The government intentionally places the prisoners in prisons far away from their families and communities and has banished Puerto Rican independence activists, taking those convicted of pro-independence activity from their country and forcing service of prison sentences inside the U.S.

There is further isolation from attorneys, ranging from denying legal visits to opening mail that is, by U.S. law, confidential between attorney and client, to electronically eavesdropping on supposed confidential legal visits. At Marion prison (see infra), video cameras monitor all legal visits, and another camera on the ceiling directly above focuses on the table to capture images of papers exchanged and notes written.

In addition to seeking to demoralize them in this way, the U.S. also seeks to preclude the prisoners from effectively preparing their cases for presentation to domestic courts, international tribunals, and other forums.

34 The development of psychological syndromes resulting from isolation has been documented in the 19th and early 20th centuries in Europe and with U.S. prisoners of war in Korea. See Stuart Grassian, A Review and Delineation Of a Clinical Syndrome (unpublished). Such brainwashing techniques have also been used in Korean and Chinese prisons. See Richard Korn, The Effects of Confinement in HSU, August, 1987, 15 Social Justice 8-19 (Spring, 1988).

35 Amnesty International, the High Security Unit, Lexington Federal Prison, KY, August, 1988. See also Baraldini v. Meese, 641 F.Supp. 432 (D.C. 1988), rev'd. 884 F.2d 615 (D.C. Cir. 1989).

36 The government also affirmatively uses the media to put out its own propaganda. Immediately after the 1985 arrest of thirteen Puerto Rican Independence activists, the head of the FBI and the Attorney General of the U.S. held press conferences denouncing the accused as terrorists and claiming that they were assisted by the government of Cuba. Public statements equating the independence movement as Cuban controlled and terrorist are constantly being made by government officials.

37 E.g,. Freedom Now! Campaign for Amnesty and Human Rights for Political Prisoners in the United States, 59 E. Van Buren, Suite 1400, Chicago, IL 60605.

NEW AFRIKAN/BLACK POLITICAL PRISONERS AND PRISONERS OF WAR: CONDITIONS OF CONFINEMENT

by Jill Soffiyah Elijah, Esq.
Research Committee on International Law
and Black Freedom Fighters

In our review of the conditions of confinement for New Afrikan/ Black* political prisoners and prisoners of war, it is important to remember the reasons that the United States government wants them confined. The U.S. will not allow Black people to exercise their right to self-determination. All of these freedom fighters have committed their lives to fighting for the liberation of Black people. U.S. intolerance of this political position held by Black people is historical. There have been many Black political prisoners throughout the history of the United States, all of whom have been jailed as a part of the government's attempt to silence resistance.

One of the most notable early political prisoners and someone who may not immediately come to mind in this context is Marcus Garvey. As his movement, the United Negro Improvement Association (U.N.I.A.), spread throughout the country and his call for self-determination was heeded by more and more Black people, the government's plan to destroy him was implemented. He was jailed on charges of mail fraud and deported.

We find that during the past three decades there has been a steady increase in the number of people imprisoned because of their political views and actions. Many of the New Afrikan political prisoners and prisoners of war came from the Black Panther Party and/or the Black Liberation Army (BLA). The F.B.I.'s notorious COINTELPRO effort to destroy the Black liberation movement is primarily responsible for the imprisonment of numerous former Panthers and BLA members.

We also find that as the prison population became more politicized, the level of repression to which it was subjected was heightened. Prison rebellions increased and many prisoners who were targeted as organizers or leaders within the prisons were subjected to beatings and

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**Throughout this paper, the terms New Afrikan and Black were used interchangeably.*

lengthy periods of total isolation. Such is the case of the Reidsville Brothers, who in 1978, participated in a rebellion by Black prisoners at Reidsville Prison and demanded an end to guard brutality, degrading living conditions and racist attacks from white inmates. The prison officials retaliated with beatings and solitary confinement.

Stark in its illustration of this heightened repression is the Attica Prison Rebellion, which occurred in 1971. In response to demands from prisoners who had taken over Attica seeking more humane treatment, Nelson Rockefeller, governor of New York State, ordered that state troopers retake the prison by force. This order was given despite on-going negotiations for a peaceful resolution of the Attica situation. In essence, Gov. Rockefeller ordered the mass murder of 43 people; 34 prisoners and 9 guards. Rockefeller's barbarism was rewarded when he was selected to serve as vice-president to Gerald Ford.

So we see that the attitude of the U.S. government towards prisoners' concerns is one of intolerance and indifference. And, with respect to political prisoners, the imposition of egregious conditions is part of a systematic effort to destroy any visible signs of resistance. The intent of the government in imposing these conditions is two-fold; destroy the will of the political prisoner and send a strong message to supporters and followers that their resistance will be met in kind.

The United States government continues to deny to the world that there are political prisoners within its borders. It maintains this position at whatever cost necessary. Recall the almost immediate removal from office of U.S. Ambassador to the United Nations, Andrew Young, when he publicly acknowledged the existence of political prisoners within the U.S.

Back in the 1970's, Jalil Bottom, one of the New York Three, recognized the significance of raising the issue of political prisoners held within the U.S. in the international arena. Thus, in 1976, he launched the National Prisoners Campaign to Petition the United Nations. This effort was widely supported by political and progressive prisoners resulting in a petition being submitted and discussed in Geneva, Switzerland. This work formed the impetus for Lennox Hinds and the National Conference of Black Lawyers to invite the U.N. International Commission of Jurists to tour numerous U.S. prisons and interview political prisoners. Their findings raised serious questions about the treatment and reasons for confinement of the many political prisoners they interviewed.

Type of Sentence

As a general rule, political prisoners have been given the harshest sentences possible. Journalist, Mumia Abu-Jamal, a former Panther and staunch supporter of the MOVE members who were bombed by Philadelphia police, is on death row in Pennsylvania for defending himself and his brother from a vicious beating by local Philadelphia police.

After years of court battles, Gary Tyler finally had his death sentence commuted to life imprisonment.

Johnny Imani Harris, who was originally serving 5 consecutive life sentences at the infamous Atmore Prison at the time a rebellion broke out, was subsequently sentenced to death in 1974, because of his participation in a rebellion during which a prison guard died.

Oscar "Gamba" Johnson, also an Atmore inmate convicted of participating in the rebellion, is serving a 148-year sentence.

Geronimo ji Jaga Pratt, was sentenced to life and despite his exemplary prison record, has been denied parole 9 times.

Sekou Odinga, was sentenced to life plus 40 years with a recommendation of no parole.

Assata Shakur and Sundiata Acoli were sentenced to life plus 30 years. Fortunately, in 1979, Assata was liberated from prison and she is now living in exile in Cuba. This was the only way to put an end to the horrendous conditions under which she had been confined.

Each of the nine MOVE defendants was sentenced to 100 years.

Bashir Hameed and Abdul Majid, were both sentenced to 25 years to life.

Seth Hayes and Teddy (Jah) Heath are also serving 25 years to life sentences.

Baba Odinga is serving a 25-year to life sentence.

Donald Taylor, a former member of De Mau Mau which was a clandestine self-defense formation within the U.S. Marine Corps in Vietnam formed to defend against racist attacks from white troops, was sentenced to 150 to 200 years without parole.

The New York Three (Herman Bell, Jalil Bottom and Albert Nuh Washington) were each sentenced to 25 years to life.

Mutulu Shakur was sentenced to 60 years.

Kuwesi Balagoon was sentenced to 25 years to life.

Jihad Abdul-Mumit, a former Panther and BLA member, was sentenced to 14 years for a parole violation which did not involve a new arrest.

Prior to his recent release due to prosecutorial misconduct, Dhoruba Bin-Wahad, was serving a life sentence.

Solitary Confinement and Administrative Detention

In the early 60s, a meeting of social scientists and prison wardens was convened by director of the Federal Bureau of Prisons, James V. Bennett. The main speaker was Dr. Edward Schein, a social scientist. He presented his theories on brainwashing and the application of such techniques to achieve behavior modification with the prison population. Among the twenty-four techniques suggested by Dr. Schein were the following:

1. *physically remove the prisoner to an area sufficiently isolated in order to break or seriously weaken close emotional ties;*
2. *segregate all natural leaders;*
3. *prohibit group activities that do not fit brainwashing objectives;*
4. *systematic withholding of mail;*
5. *create a feeling among the isolated group of prisoners that they have been abandoned by and totally isolated from the community;*
6. *undermine all emotional supports; and*
7. *preclude access to literature which does not aid in the brainwashing process.*

James Bennett urged the participants in the meeting to experiment with Dr. Schein's theories within their respective institutions.

Approximately a decade later, the "experiments" that grew out of that meeting in 1961 began cropping up all around the country. The glaring similarities between Dr. Schein's techniques and the treatment received by the vast majority of Black political prisoners serve to enforce the belief that there is a thinly disguised attempt on the part of the U.S. government to psychologically destroy political prisoners.

Marion Penitentiary in Illinois is the highest level security prison in the country. This is where the first control unit was established. Its main focus is sensory deprivation and solitary confinement. A disproportionately high number of political prisoners have been sent to Marion. Many of them have had lengthy stays in the control unit there. The control unit consists of small soundproof box-type cells. Since 1983, the entire prison has been on lock-down status. This means that all prisoners are locked in their cells 23 hours a day. They are permitted only one hour outside the cells to shower and take recreation on the tier. Twice a week, for two hours at a time, outdoor recreation in a small fence-enclosed area is permitted at the whim of the guards.

The cells at Marion consist of a stone bed and a toilet/wash bowl.

No contact visits are allowed with social visitors. All legal visits are monitored by video camera and guards. All meals are taken in the cell. No phone access to lawyers is permitted unless the prisoner can prove that his lawyer wants him to call. Only two ten minute calls per month are permitted to family and friends. Marion is the epitome of the implementation of Dr. Schein's theories on isolation and segregation.

Sekou Odinga was immediately designated to Marion upon being sentenced to 40 years plus life. After spending three years at Marion in lock-down status, he was transferred to Leavenworth in general population. When a bogus investigation of escape charges commenced, he was snatched during the early morning hours and thrown in administrative segregation. Shortly thereafter, he was moved to a new special housing unit (SHU) modeled after Marion. Sekou remained in the SHU after the investigation cleared him of the escape allegations. After 9 months of being held in solitary confinement at Leavenworth, Sekou was returned to Marion. He spent a month in the control unit there, and then was moved to D Block, which is also under 23-hour lock-down as previously described.

Sundiata Acoli spent 5 years in the Management Control Unit (MCU) of Trenton State Prison. He was the first prisoner sent there. At MCU, Sundiata was locked down 24 hours a day in a cell that was smaller than the space requirement for a German shepherd dog set by the Society for the Prevention of Cruelty to Animals. No contact visits were allowed. All meals were taken in the cell. Strip searches were required every time he left the cell for any reason. Cavity searches were frequently imposed. In 1979, just months before the liberation of his co-defendant, Assata Shakur, he was secretly transferred during the middle of the night to federal custody at Marion. (He was a New Jersey state prisoner.) Sundiata remained at Marion for 8 1/2 years before he was transferred to Leavenworth. Like Sekou, he was also placed in administrative segregation during an investigation of the same bogus escape charges. He spent 6 months in SHU before being returned to general population.

James "Blood" Miller spent over 6 years at Marion before his eventual release last year.

Geronimo ji Jaga Pratt spent 8 of his 20 years of incarceration in solitary confinement.

Hugo A Dahariki Pinell, one of the Soledad Brothers, spent 20 years in solitary confinement.

Prior to her liberation, Assata Shakur spent over 20 months in solitary confinement, often housed in men's facilities.

NEW AFRIKAN/BLACK POLITICAL PRISONERS AND PRISONERS OF WAR: CONDITIONS OF CONFINEMENT

Oscar (Gamba) Johnson, Gary Tyler and Johnny Imani Harris have all spent over 5 years in solitary confinement.

Chui Ferguson-El spent 8 years in federal custody in general population without any disciplinary infractions. Last year, upon his transfer to Pennsylvania, he was immediately thrown in solitary confinement (the "hole"). In response to his attorney's inquiry, the state prison officials stated that Ferguson-El would spend the balance of his sentence in the hole because "he had previously been shown to be a threat to security while in federal custody at Lewisburg Penitentiary".

In late 1988, Bashir Hameed, a member of the BLA and a well-respected Muslim leader among the prisoners, was placed in solitary confinement at Shawangunk Prison in New York State because of his leadership and organizing abilities.

In early April of 1990, Abdul Majid, a member of the BLA, was put in solitary confinement (the box) because of "his status in the Muslim hierarchy". The official "charge" made against Abdul was for demonstrating. It was alleged that he urged a cook not to prepare food for the Ramadan evening meals. Despite the fact that the cook testified at his hearing that no such conversation had taken place, Abdul was condemned to a year in the box at Great Meadows Correctional Facility in Comstock, New York. The box consists of a 6'x8' cell where Abdul is locked in for 23 hours a day. Recreation is twice a week alone in a fenced cage that is 6'x9' feet. Showers are allowed twice a week unless a social visit is to occur. Visits are allowed once a week.

New York State has recently passed legislation which implemented more lenient guidelines for the use of administrative segregation.

In the 70s, a group formed in Pennsylvania State Prison known as the Black Liberation Front. They sought religious freedom and protection from human rights violations. They were labeled as terrorists by the prison administration and singled out for punishment. Joseph "Joe Joe" Bowens was held in a control unit for 5 years. Russell "Harun" Shouts, a BLA member, was held in solitary confinement for 3 years and Clifford "Lumumba" Futch was held in a control unit for 14 years.

Distance from Family and Supporters

In keeping with Dr. Schein's suggestion that behavior modification can be achieved by separating a prisoner to weaken or break emotional ties, most of the New Afrikan political prisoners and prisoners of war have been confined far away from their families and supporters. For instance, Geronimo had been incarcerated in northern California at San Quentin for many years. He had a large base of support including his defense committee located in the Bay Area of California. Last year, in retaliation for his offer to testify on behalf of Filiberto Ojeda Rios who was on trial in Puerto Rico, Geronimo was transferred to Tehachapi Prison which is located in Southern California.

Nuh Washington is confined at Wende Correctional Facility in Alden, New York. This facility is located in the far northwestern corner of the state. Nuh's lawyers and primary base of support are in New York City.

Mutulu Shakur is confined at Lompoc Penitentiary in Lompoc, California. His family, friends, lawyers and support committee are all located in New York. Despite these factors, he was immediately designated to Lompoc by the Bureau of Prisons.

Punitive Transfers

In order to understand the punitive nature of a transfer, we must first appreciate the disruption in routine that a transfer causes. When a prisoner is transferred, he/she is placed in administrative segregation, usually for one month. During this time they cannot work and whatever work status they had previously achieved is lost. No educational program can be pursued during this time and prior educational credits are seldom transferable. Personal items are frequently "lost" and many weeks may pass before a new visitors' list is established for the prisoner. During this waiting time, visitors are frequently frustrated by being refused visits even though they were previously approved on another facility's list. Additionally, friendships and contact with other inmates are destroyed.

Herman Ferguson has been moved all over New York State in the past two years. Punitive transfers have been extensively used against the New York Three. Nuh Washington has been transferred 10 different times in the past 17 1/2 years. Jalil Bottom has been in six different New York State facilities in the past 12 years.

Before Geronimo ji Jaga Pratt was transferred to Tehachapi, it took a court order to keep him from being transferred to Folsom Prison where it was clear that his life would be endangered.

Torture

Upon being arrested, most of the Black political prisoners and prisoners of war were beaten and tortured. Abdul Majid suffered several damaging blows to the head when he was beaten at the time of his arrest. Jamal Joseph, Kazi Toure (he was brutally beaten while handcuffed) Chui Ferguson, Sundiata Acoli, Sam Brown (his neck was broken and medical attention withheld), Assata Shakur (she was refused adequate medical attention for a gunshot wound) Nuh Washington (he was also refused medical attention for gun shot wounds to the face) and Sekou Odinga were all subjected to brutality when arrested.

Sekou was captured after a shoot-out with police. During the shoot-out his companion Mtayari Shabaka Sundiata, was murdered by the police while he was lying on the ground wounded and unarmed. Sekou was then arrested and tortured for many hours while the police attempted to interrogate him. He was beaten so badly that he was unrecognizable and his pancreas was almost destroyed. During the torture sessions, Sekou's head was repeatedly flushed in the toilet, his toenails and fingernails were ripped out and cigarettes were snuffed out all over his body. He was hospitalized for three months and his eyesight was damaged as a result of this beating.

Dhoruba Bin-Wahad was set-up for an armed attack from another inmate by guards. His lawyers had to seek an order of transfer from the court in order to avoid further incidents at that facility.

Psychological torture is also employed against Black political prisoners. James "Tarif" Haskins, a BLA member, has been subjected to tactics of mind manipulation and drugs from which he suffered hallucinations.

Forced Labor

The labor of prisoners is used to maintain the prisons. Refusal to work is one way to guarantee receipt of an incident report and disciplinary action. Sometimes, as a form of punishment, groups of prisoners are taken to the fields and forced to work under the threat of guns. Upon his arrest in California, Mutulu Shakur was held at Florida State Prison in the East Unit. The East Unit was a replica of Marion. Here, prisoners were forced to work in the fields as punishment for various disciplinary infractions.

Health and Medical Care

In general, the health and medical care provided to prisoners is abhorrent. Bashir Hameed suffers from acute hypertension. His medication must be increased regularly. His prison doctor has determined that continued confinement in the box creates a substantial danger of a stroke. Despite his doctor's request that he be removed from the box, the Shawangunk administrators have refused to move him. Sometimes Bashir's blood pressure is so high that medication does not bring it back down.

Ahmed Evans was a Black nationalist leader from Cleveland, Ohio who was incarcerated in the infamous Southern Ohio Correctional Facility. Due to medical neglect, he died of cancer at the facility.

When Sundiata Acoli was transferred from the MCU at Trenton State Prison to Marion, his entrance physical exam revealed that he had been heavily exposed to tuberculosis while at MCU.

Kuwesi Balagoon, a member of the BLA who was serving 25 years to life for the attempted Brinks armored car expropriation in 1981, died in a New York State correctional facility due to gross medical negligence. Despite exhibiting all the tell-tale signs of AIDS, Kuwesi was not transferred to a hospital for medical care until ten days before his death.

Visitation, Religious Freedom, Legal Access, Personal Hygiene

Extensive background checks are done on all visitors of political prisoners. This includes legal and social visitors. These visits are closely monitored by prison officials and are sometimes denied for fabricated reasons.

Legal and social visitors are usually harassed by prison officials in an effort to discourage them from visiting. Frequently, family members, friends and lawyers travel many miles to visit a prisoner only to be denied a visit because they have not followed some procedure that either does not exist or has already been complied with to the letter. Social visiting time is reduced with no explanation. Legal visiting rooms often times are not supplied to lawyers and paralegals. Without notice to the prisoner or the visitor, the visitor's name is removed from the prisoner's visiting list, preventing the visitor from gaining access to the prison until a new background check is completed. Although the check can be completed in less than 24 hours, visitors and inmates are usually told that it will take 6 to 8 weeks to complete a background check.

Without explanation or rationale, rules are imposed that infringe on the religious freedom of political prisoners. Particular targets of this sort of harassment are Muslims, MOVE members and prisoners who wear their hair in long locks. For instance, despite his religious practices, Chui Ferguson-El was placed in administrative segregation because of his refusal to cut his hair. There has been frequent and wide spread interference in the attempt by Muslim prisoners to observe Ramadan in accordance with their religious beliefs. This type of harassment resulted in Abdul Majid being sent to the box for a year.

It is very difficult for political prisoners to remain in regular contact with lawyers if they are in solitary confinement. Phone access to lawyers is extremely limited. Sekou Odinga must present a letter from his attorney stating that the attorney wants him to call the office in order to make the collect phone call. All phone calls are monitored. When an attorney calls the prison requesting that a political prisoner be allowed to call back to their office, the message is not given to the prisoner except in extremely rare instances.

Censorship

Prisoners in federal custody are only allowed to correspond with their attorneys, immediate family and those individuals with whom they were friends prior to their incarceration. The obvious hardship this works on political prisoners serving lengthy sentences is that with each passing year, they grow further away from developing new friendships.

All social mail is read and for political prisoners, most if not all, is photocopied. Although the prison authorities do not admit it, it is the belief of this author and many others that the legal mail of political prisoners is also read and photocopied.

Reading material is sanctioned according to the whim of the institution. Political materials come under heavy scrutiny. I understand that the Freedom Now literature is being banned from some institutions. At Wende Correctional Facility, Nuh Washington is not allowed to receive any books, hard cover or paperback, unless they come from the publisher or a book store. However, he can receive photocopies of books. There's no rationale for this rule.

Surveillance While Incarcerated

The growing trend in the incarceration of political prisoners is to place them in small monitoring units within or adjacent to a larger correctional facility. As a result, "mini-Marions" are cropping up around the country. MCUs and SHUs are the "popular" choice of prison officials when it comes to political prisoners and prisoners of war.

At Shawangunk, a Close Supervision Unit has been opened that is separate and apart from the main facility. The CSU prisoners take their recreation separate from the rest of the prison population in a separate recreation space except for two times a week. All recreation for the entire prison is done after 6 p.m. They have a separate mess hall. There is a low guard-to-inmate ratio. Every single move made by an inmate is monitored and logged on a daily activity sheet. Each inmate must be in a program 8 hours a day.

The prisoners who are housed there are told that there is no way that they can be transferred out. The position of the New York State Department of Corrections is that once a prisoner is placed in the CSU, that is where they will serve the balance of their time. Since October 5, 1988, the prisoners in the CSU have staged a shut down of the unit and they have been locked in their cells. Some of the political prisoners in the CSU are Maliki Shakur Latine, Herman Bell, Al Musadig Yusef of the Williamsburg 4 and Bashir Hameed prior to his removal to the box where he has remained for the past 20 months.

Another form of surveillance used against political prisoners is that of an escort. The prisoner is not allowed to move anywhere in the prison without an escort. This is the method used for Nuh at Wende. He is not even allowed to come to legal visits without his escort pacing back and forth just outside of the legal visiting room.

Conclusion

Through this discussion, I have attempted to give you a comprehensive view of the conditions under which New Afrikan/Black political prisoners are incarcerated. Some of these conditions are not unique to Blacks or political prisoners. However, in light of the large number of Black political prisoners and prisoners of war, an analysis of the treatment they receive will aid in an understanding of the plight of all political prisoners and prisoners of war.

CRIMINALIZATION AND PERSECUTION OF OPPONENTS TO THE COLONIAL STATUS OF PUERTO RICO: HUMAN RIGHTS VIOLATIONS

Statement by Dr. Luis Nieves-Falcón,
President, Puerto Rico National Chapter,
International League for the Rights and Liberation of Peoples

The permanent People's Tribunal, at its Session on Puerto Rico, in Barcelona, from 27-29 January 1989 concludes that the United States of America is criminalizing and persecuting opponents of the colonial status of Puerto Rico. The sentence further concluded that "the U.S. has used a variety of dubious tactics to attack the activities of Puerto Rican activists, including conspiratory charges, wide ranging grand-jury investigations, paramilitary arrest procedures, assassinations by "death squads", and repeated police brutality. Puerto Ricans are, however, treated as common criminals, not as political prisoners... Conspiracy charges and indictments have been used to intimidate the whole nationalist community".

Today, I bring before you the case of 19 Puerto Rican men and women, anti-colonial combatants, convicted for opposing U. S. authority over Puerto Rico. [1]These patriots are serving draconian prison sentences of 35-90 years, and are being subjected to special inhuman conditions of isolation and selective punishment. These men and women share unique characteristics. They are not "criminals"-they have no criminal records, and, in the eyes of the independence movement and international law, have committed no crimes.

The special and punitive treatment of these men and women falls short of meeting the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNMRPT). beginning with the proscription against discrimination on grounds of political opinion-a basic principle of the rule. Rule A 1 6 1.

The arsenal of tactics includes a denial system which includes isolation, destabilization, criminalization, humiliation, denial of medical treatment, physical and sexual assault, and continued harassment and vigilance. The denial system connotes not just denial of human rights, but denial of the essence of the person's political being and existence. The very existence of this governmental political campaign to destroy these prisoners violates the guiding principles of the UNSMRTP, which prohibits the aggravation of suffering inherent in imprisonment (Rule A II 57) and prescribes "minimizing any difference between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings". (Rule A II 60 (1). The rules also mandate that for persons under sentence "the treatment shall be such as will encourage their self respect..." (Rule A II 65).

Isolation:

The U. S. government intentionally places the prisoners far away from their families and communities. The isolation from political support is accomplished not only by assignment to distant and inaccessible prisons but also by restrictions on contact. Oscar López, Carlos Alberto Torres, Ida Luz Rodríguez and Alejandrina Torres have each endured periods of months to years, prohibited from corresponding with anyone outside the immediate family. In each case the restriction was imposed for absolutely no valid reason, and in violation of Rule A I 37.

A dramatic example of isolation is reflected in the visiting restrictions, which include denial of contact visiting all together (Oscar López at USP Marion and Alejandrina Torres at the Lexington Women's Control Unit), to denial of all social visits (non-immediate family) (Oscar López, Alejandrina Torres, Carlos A. Torres). The UNSMRPT clearly provides for communication of prisoners, including of visits, with family and friends (Rule A I 37) and that prison staff be responsible for maintaining and improving the prisoner's relationship with their families (Rule A II 61). See also Rule A II 79, that special attention be paid to maintenance and improvement of prisoner-family relationships.

Another manifestation of isolation is the assignment of the sentenced prisoners to pretrial detention centers which are ill-equipped to provide programs or services to people with lengthy sentences, in disregard for the provisions of Rule A II 66 (1). Dylcia Pagan, Ida Luz Rodríguez, Haydeé Beltrán, and Alejandrina Torres have all spent periods of months to years in such settings, often at great expense to their physical well being.[2] Oscar López Rivera was kept in such a jail for over one year. He was held in a solid steel closed-front sensory deprivation cell 23 to 24 hours a day, equipped with plumbing that brought his neighbor's excrement into the toilet in his cell {Rule A I 12}, with absolutely no ventilation {Rule A I 10, 11 (a)}, no access to fresh air or sunshine {Rule A I 21 (1)}, denied all interaction with other prisoners, and shackled upon leaving for any purpose {Rule A I 33}. Recreational opportunities consisted of being placed in a corridor outside the cell, where there is nothing to do. {Rule A II 78}.

A less subtle form of isolation in the Control Unit, which describes Marion Federal Prison[3], where following a year in pretrial jail, Oscar López Rivera was confined alone to a cell 23 hours daily; FCI Alderson's Davis Hall, where Ida Luz Rodríguez and Haydeé Beltrán were held for ten months, the only two prisoners in the unit, prohibited from seeing other prisoners; and the Women's Control Unit at Lexington, where Alejandrina Torres was prohibited from contact with other prisoners. With regard to Marion Prison, it is pertinent to point out that it was the first prison in the United States to be observed and condemned by Amnesty International.[4] Using the United Nations Standard Minimum Rules for the Treatment of Prisoners as an international norm, Amnesty's observer concluded:

> *Within Marion, violations of the Standard Minimum Rules are common. Although this report deals only with some facts of life at Marion, a comparison of the Standard Minimum Rules with the conditions at Marion...shows there is hardly a rule in the Standard Minimum Rules that is not infringed in some way or other. The reason has to do with the purpose of Marion. According to the Standard Minimum Rules, treatment of persons shall have as its purpose encouraging self-respect and developing a sense of responsibility amongst inmates. The purpose of Marion, however, is security. All other considerations are secondary.*

The effects of living under the "sordid and horrible" conditions reveal the human toll. Says POW López:

> *The last few months have been rather lethargic for me. The intellectual and spiritual stimulation is lacking. I don't like to feel that the environment is stagnating or stifling me, yet that's the reality.*

The government also seeks to isolate the prisoners from their attorneys and legal advisers. Tactics range from denying legal visits to opening mail that is, by U. S. law, confidential between attorney and client to electronically eavesdropping on confidential legal visits.

A final example of isolation is to prevent these men and women from communicating with each other. In addition to seeking to demoralize them the U.S. also seeks to preclude the prisoners from effectively preparing their case for presentation to international tribunals and other global forums, such as this one.

Destabilization

To ensure that no one gets too "comfortable", prison officials maintain a practice of program assignment, changes, moves from one cell or unit to another, and transfers between prisons -sometimes frequent and sometimes infrequent, always without notice or legitimate reason. While the concrete act itself is disruptive to the individual, resulting in lost property, (Rule A I 43) unforwarded mail, and severed friendships with social prisoners; the anticipation of abrupt changes is itself unsettling. The transport of the prisoners has often been dangerous for them, traveling at break-neck speed or being escorted by drunken prison guards, in violation of Rule A I 45 (2). Transfers are generally carried out in military fashion, sometimes complete with convoy and helicopters accompanying. On occasion the timing of the transfers has been calculated to maximize the destabilizing effects. Elizam Escobar's family came on their annual visit from Puerto Rico to see their son, and spent a day with him in the prison in which he had been for one year. The following day they returned to the prison, only to be told he had been transferred to another prison hundreds of miles away. See Rules A II 61, A I 37. Years later, this same man was transferred at the Thanksgiving/Christmas holidays, a difficult time for many people in prison, and then held incommunicado in segregation over Christmas and New Year's. This transfer was to punish this artist for painting - timed to coincide with the publication of a catalog of his work and the opening of an exhibit to commence a national tour of his paintings and drawings. He was placed in a prison where he was prohibited from painting for almost a year.

Criminalization

Officials have accused the prisoners of prison rule violations for several purposes, none of which are legitimate. Rules A I 27032 establishes a due process regimen calling for rules, notices of violation thereof, the opportunity for self-defense, and proscribing "all cruel, inhuman or degrading punishments." In spite of these international minimum standards, and though the U.S. has a set of rules that on paper meet the minimum standards, the government's political motivation to destroy these prisoners, and through them, their movement, dictates abuse of the disciplinary process. First, accusations result in disciplinary segregation, allowing physical isolation and disruption of the prisoners' routine. Second, the arbitrary invoking of rules, castigating previously unpunished conduct, assists in destabilization. Third, criminalization is calculated to defame and demoralize. "Dirty" urine has supposedly resulted from "random" testing, as occurred with Carlos Alberto Torres, clearly meant to slur this man and the movement, who politically reject the use of drugs because of the devastation they wreak on the Puerto Rican community. Finally, and most significantly, officials create adverse disciplinary records by this means which they then use to "justify" higher security classifications and transfers to maximum security prisons or Control Units.

Humiliation and Degradation

To belittle the prisoners and the movement they represent, official actions run the gamut. They have assigned demeaning tasks to POW's. (Ricardo Jiménez was ordered to pick cigarette butts out of the cracks in the sidewalk) {Rule A II 71} and illegally denied them privileges afforded to social prisoners. Rule A II 70.

The UNMSRTP expressly prohibits disrespect for the human dignity of prisoners. Rules A II 60 (1), A II 65. Yet the U.S. prisons' use for the "strip search," loudly condemned by Irish political prisoners, parallels and may even surpass its use by the British government. The procedure is not a search at all, for it is invoked without even a suspicion that the person is carrying contraband. Rather, it is an occasion to dehumanize, a non-consensual disrobing when guards usually require the men to lift their scrotum, the women to lift their breasts, and both to bend over and spread their gluteal cheeks. Examples of its use are instructive. Oscar López Rivera was made to disrobe before guards who recorded the procedure on videotape. Prison staff invoked the strip search so often that one day he was made to strip seven times: Carmen Valentín was recently searched three times in a row following a visit with her teenage son.

Physical assault and sexual abuse

Taking humiliation and degradation one step further, prison authorities have made the prisoners targets of physical and sexual assaults. The UNSMRTP prohibits aggravating the suffering inherent in imprisonment {Rule A II 57} as well as officers' use of force except in rare and clearly delineated circumstances. Rule A I 54 (1). Flaunting the Minimum Standards, officials have placed an inordinate focus on

Alejandrina Torres, with whom they have consistently experimented in this regard. In three different prisons, guards have attacked her physical and psychological integrity. The first assault was the most indirect - locking her in an all male unit, in violation of Rule A I 8(a), and permitting men to expose themselves to her. Prison staff then took a more active role, when a male lieutenant wrenched her arm behind her back, costing her the use of her arm for two years, and then forcefully held her head between his knees watching as female guards tore off her clothes and exposed her naked body to this man. In another prison, a male guard conducted regular pat-down searches, fondling her breasts. See Rule A I 53(3). And, before taking her to the Women's Control Unit, as four women guards held her down, a male prison employee rammed his fingers up her vagina and anus, painfully invading her body cavities in a "search", though devoid of even a suspicion that she had secreted contraband. And most recently four male guards ogled at her naked chest, refusing to allow her to receive a needed electrocardiogram in private.

Other political prisoners and POWS have also been assaulted- Orlando González Claudio, choked unconscious and beaten for the "heinous crime" of wearing a small cloth Puerto Rican flag on his shirt; Elizam Escobar, beaten during a hunger strike as officials sought to impose medical intervention; Haydeé Beltrán, weighing 90 pounds, severely beaten while exemplars of her hair were forcibly taken.

Denial of Medical Treatment

The UNMSRTP applicable to prisoners under sentence provide for diagnosis and treatment of any medical problem "which may hamper a prisoner's rehabilitation. All necessary medical {and} surgical...services shall be provided to that end." Rule A II 62. Disregarding the Minimum Rules, prison staff and health care providers alike routinely inform the POWS that, in spite of their serious medical needs, they are "security cases" not "medical cases." This label leads not only to serious adverse physical consequences but is also a means of government psychological gamesmanship, in its announcement to intentionally deprive needed medical attention to these men and women whose sentences would keep them in custody virtually all of their lives. It also ignores the mandate of Rules A I 22-26 that adequate medical services be provided. Haydeé Beltrán is sterile today because for five years prison officials refused to treat her pelvic inflammatory disease, ignoring her episodes of drastic weight loss and pelvic pain so severe she could not stand up. Felix Rosa's entire arm swelled from an infection in his finger, left unattended by officials who refused to take him to a nearby hospital. Oscar López Rivera's rectal bleeding for 8 months was aggravated by an intrusive examination and then ignored. It took officials three months to take Alejandrina Torres to the third floor of the same building that houses the Control Unit for needed eye and cardiac examinations. Alicia Rodríguez, undergoing surgery for a large uterine tumor, was disappeared to an undisclosed hospital where she remained shackled to the bed throughout surgery, recovery and recuperation.

Assassination

Angel Rodríguez Cristóbal, a young family man active in the independence movement on the island, took part in a 1979 demonstration to protest the presence of the U.S. navy on the tiny island of Vieques. Along with twenty others, he was arrested and charged with a misdemeanor. Following conviction, he was taken to prison in the U.S. The government placed him in FCI Tallahassee in Florida to serve a six month sentence. There he was forcibly injected with thorazine. Nevertheless, he enjoyed a visit from his attorney, talked of continuing pro-independence work and returning to his family and country upon his imminent release. Hours later he was dead. The gash on his head belies government claims that he committed suicide by hanging.

Sensory Deprivation

On October 1986, the U.S. opened the Women's Control Unit, a prison within a prison, and the only one of its kind in the United States. This small unit, which is underground, housed only POW Alejandrina Torres and four other women, two of whom are also in prison for political activity against the U.S. government.[5] It's capacity is 16 women, and is ill-equipped to provide for the needs of the women interned therein. Rule A II 63 (4). The special conditions which apply in no other prison in the U.S. embody the "denial system," and include:

- *placement of political prisoners and POW'S in the Unit solely because of political associations.*

- *indefinite length of stay in the Unit, with no stated policy of how one earns one's way out, (except possibly renouncing one's political association).*

- *performances of non-consensual vaginal and rectal cavity "searches" conducted by male prison employees prior to placement in the Unit. The prison officials denied them the option of x-rays, an option offered to men housed at the only other federal Control Unit, Marion Federal Prison.*

- *a policy of no contact visits with family or lawyers which, for a time, was not enforced with them.*

- *no visits whatsoever with people other than immediate family (Rule A I 37).*

- *limited visiting hours (Rule A I 37, A II 61, A II 79).*

- *an initial restriction on correspondence, limited to 15 people, who must first submit to FBI and prison screening and approval (Rule A I 37).*

- *censorship or rejection of all political literature (Rules A I 39, 40).*

- *visitors - family and attorneys - will be denied unless they submit to being photographed twice by officials before entering.*

- *denial of religious services and congregational worship, as well as denial of religious visits from any non-prison employed clergy (Rules A I 41(3), 42, A II 59).*

- *denial of interaction with any other prisoner.*

- *denial of participation in normal work and recreation activities (Rule A II 71-75).*

- *denial of haircuts (Rule A I 16).*

- *limited recreation in a small outside yard surrounded by a tall wooden fence to prevent sensory stimulation (Rule A II 78).*

- *strip "searches" every time they return from recreation in the outside yard.*

- *special uniforms purportedly designed to keep the women "feminine" (Rule A I 17 (1).*

- *denial of all privacy - guards and video cameras are present at all times, including a camera aimed at the shower, which has no curtain or provides no privacy.*

- *placement in closed front cells painted stark white, in a unit painted stark white.*[6]

- *virtually no natural light or ventilation. Rule A I 11(a).*

- *limitation of personal property to 5 books and 10 photographs.*

The government asserts that placement in the unit is merely a classification and is not for discipline or punishment. Yet the conditions approximate those of disciplinary custody, in total disregard for the provisions of Rule A I 30. Bureau of Prisons documents reveal that all three political prisoners were assigned to the unit because of their political beliefs and associations. Baraldini vs. Meese, 691 F. Supp. 432 (Wash., D.C., 1988). Neither Alejandrina Torres nor any of the women in the Control Unit have been notified of, tried for, or found guilty of a prison rule violation. Furthermore, officials have announced policies here distinct from those at other maximum security prisons: media are prohibited from bringing cameras into the Unit.

The women begun to experience some of the predictable psychopathological effects of long term solitary confinement,[7] including lethargy, inability to concentrate, memory lapses, loss of appetite, and problems with eyesight (See Rule A I 32).

So unusual is this Unit that Amnesty International has determined that the allegations of human rights violations meet its criteria and has concluded:

> The conditions and regime are deliberately and gratuitously oppressive. The constant and unjustified use of security chains, the repeated strip searching, lack of sensory stimuli, freedom of movement, possessions, choice of activities and incestuously small range of contacts cannot be other than debilitating... There is overwhelming evidence that the prisoners at HSU have deteriorated physically and psychologically during their custody there. There has to be a prospect that one or more will finally resort to suicide should their custody at HSU be prolonged.[8]

Even the United States federal court concurred that unit "in many respects measures below acceptable standard for federal prisons," noting prison officials' "gross insensitivity" and operation of a unit that "has skirted elemental standards of human decency." 691 F. Supp. at 447.

After months of public pressure, the Bureau of Prisons announced it would close the Lexington High Security Unit in favor of a larger unit, to which it would "transfer the mission" of the HSU. Soon after the August, 1988 opening of the Marianna Unit, the Bureau of Prisons stated its intention to place there four Puerto Rican Prisoners of War, if it could get around the court order prohibiting placement of women based on their political beliefs and affiliations. Three of the cited women - Dylcia Pagan, Carmen Valentín and Ida Luz Rodríguez - have served several years of exemplary conduct without incident, in the general population of an open, coed prison in Pleasanton, Ca. The fourth woman is Alejandrina Torres. The government has acknowledged that the only basis for such placement is the women's affiliations with the FALN (Fuerzas Armadas de Liberación Nacional - Armed Forces for Puerto Rican National Liberation).[9] Rule AI6(1) UNSMRTP.

The government asserted that "Their FALN affiliation and their participation in the seditious conspiracy were virtually co-extensive". *Id.* This virtual recognition of the status of political prisoner, accompanied by the harsh and discriminatory treatment of the Puerto Rican prisoners of war and political prisoners, flies in the face of the U.S. government's denial that it has no political prisoners.

Conclusion:

In concluding, we wish to bring to your attention the part of the judgement of the Permanent People's Tribunal related to the actual criminalizing and persecuting of opponents of the colonial status of Puerto Rico:

"This Tribunal is convinced that Puerto Rico nationalists deserve to be treated as political prisoners and given protection as "prisoners of war" in accordance with the Geneva Conventions of 1949 and the Geneva Protocols of 1977. As such, all Puerto Rican political figures, currently in custody, should be released forthwith or, at minimum, should be sent into exile in a country whose government is prepared to grant asylum".

We ask that United Nations Human Rights Commission send representatives to the United States to interview the political prisoners and Prisoners of War, particularly Oscar López Rivera at Marion, Ill and Alejandrina Torres at MCC San Diego, Ca., since transferred to Pleasanton Federal Correctional Institute in Ca., and report on their conditions. We further ask that the Commission establish a committee to review and monitor their prison conditions.

FOOTNOTES

1. *Thirteen men and women Puerto Rican Prisoners of War (POW) are currently held in U. S. prisons: Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Oscar López Rivera, Adolfo Matos, Dylcia Pagan, Alberto Rodríguez, Alicia Rodríguez, Ida Luz Rodríguez, Luis Rosa, Alejandrina Torres, Carlos Alberto Torres, and Carmen Valentín. Political prisoners held in jails and prisons for their pro-independence beliefs and actions: Lucy Berríos Berríos, Jaime Delgado, Dora García (out 4/18-served 3 out of 5 yr. sentence), Filiberto Ojeda Ríos,(out on bond pending trial, almost 3 yrs in preventive detention), Haydeé Beltrán and Julio Antonio Veras y Delgadillo (served 11 years of a 25 year sentence). Also incarcerated at this point are Juan E. Segarra Palmer, 75 years and Antonio Camacho Negrón, 15 years.*
2. *This punishment by close confinement violates Rule A I, 30, 32.*
3. *Marion is the only prison in the history of the United States to be observed by Amnesty International whose report on that prison facility is highly critical.*
4. *Amnesty International, Allegations of Ill-Treatment in Marion Prison, Illinois, U.S.A., May 1987.*
5. *Susan Rosenberg and Silvia Baraldini are anti-imperialists active in social justice issues.*
6. *Public pressure has resulted in a change of wall color, now a drab institutional beige.*
7. *See, e.g., Grassian, Stuart, "The Psychopathological Effects of Solitary Confinement", 140 American Journal of Psychiatry, pp. 1450-1454 (November 1983); Amnesty International's Work on Prison Conditions of Persons Suspected or Convicted of Isolation and Solitary Confinement; May, 1980; Amnesty International's Current Work on the Federal Republic of Germany, February 20, 1986.*
8. *Amnesty International, The High Security Unit, Lexington Federal Prison, Kentucky, U.S.A. August, 1988, at p. 15.*
9. *Baraldini v. Thornburgh, No. 88-5275 (D.C. Cir.), defendants' motion to expedite appeal.*

North American Anti-imperialists and US Government Repression

By Elizabeth Fink, Esq.

My topic is the North American anti-imperialists, but I should clarify that and say that I will speak about one North American and one European anti-imperialist, because Silvia Baraldini is not a North American. She lived here and carried out her political activities here, but she is European and hopefully in the near future, she will return to Europe. What Soffiyah says is absolutely correct; the vast majority of people in prison are third world people, but there are any number of white people, who are political prisoners in the US. Once having made that decision and having had the entire wrath of the US on their backs, they face the same conditions that every political prisoner faces. These people made a choice to do what they did. They all have a history of community activism and primarily had a history of support for national liberation struggles. Marilyn Buck, who was a member of the Students for a Democratic Society in the '60s, an editor of New Left Notes, went to San Francisco and became a support person for the Black Panther Party. She received a sentence for purchasing ammunition in the early '70s that she is still serving today in 1990. It is that history that has given her the kind of sentence she has now, which is a ridiculous 70 years. Not only is she already doing 70 years, but she faces another 45 in the Washington Resistance Case. After it is over, she will have served what they want to give her—over 100 years in prison. What they want to do to her and the rest of the Resistance people is never let them see the light of day. Marilyn has been in the DC jail with the others since her arrest. They occassionally receive "recreational periods" during the weekend, but they never get to see the sun. These people have not seen the sun for five years. Ray

Levasseur, is another person who never gets to see the sun, because he is imprisoned in Marion. He began his activist career as a mill worker in the mills of Maine, went to Vietnam, after his tour of duty he worked for the Students Organizing Committee in Tennessee, and then returned to Maine where he was a member of the Vietnam Veterans Against the War. He did community activism work in Maine and founded an organization called SCAR which dealt with prison reform. In 1975 he made a decision, along with others that based on the repression against him, based on the existance of a death squad in Portland, Maine, he would go underground. He was captured in 1984 and received a 45-year sentence. The government wanted to give him a 105 year sentence, but they did not get what they wanted. Thank you, Ray Levasseur.

Many of us have seen Through the Wire, we have seen the pictures of Susan on the picket line when she was only14. These people have a long history of political activism. Silvia and I met in December of 1966. At that time, she was an organizer in Madison, Wisconsin doing anti-war activity. She came to New York, worked in support of the Black liberation movement and found herself in prison. Because, once you align yourself with these kinds of struggles, that is what happens when the wrath of the US government falls on your shoulders. Soffiyah talked about the disparity of sentencing and the enormously long prison terms. This is true for these people as well. The disparity of sentencing between the right wing and the left wing in this country is well-known. If you possess 2,000 lbs. of dynamite in Pennsylvania and you are a member of the order of posse comitatis, you are going to do 6 months in jail. If you bomb a series of abortion centers in Florida, and you stand up in court and say "I'm proud of what I did", you are going to get five years and your wife will receive probation. If you do the most outrageous of criminal offenses and you are a member of the right wing, you are going to get out of prison. However, if you are Linda Evans and purchase 3 guns, you can expect a 40 year sentence. If you are found to be in possession of weapons, which under a normal situation will get you 10 years, you will receive 56 years if you are Tim Blunk and Susan Rosenberg. The US will want you to receive the maximum sentence, but how long you actually serve in prison depends on us and the fight that has to be waged.

The same thing occurred in Silvia Baraldini's. The Circuit Court considered her conviction a closed question and the judge gave her maximum time. She then went to Brooklyn and refused to cooperate with the grand jury investigating the Puerto Rican independence with the grand jury investigating the Puerto Rican independence movement and the judge added an additional three years to her sentence. These people all suffer under the worst conditions of confinement to, the conditions of political prisoners in America. All of them are primarily in federal custody, although Judy Clark, Kathy Boudin and David Gilbert are in state custody in New York State. There have been a number of serious struggles that have been waged against their federal government around the custody. One which we must all take some pride in is the fight that we made around Lexington. When you watch the movie "Through the Wire" you get the feeling that it was the lawsuit that closed Lexington down. That is a lie. Lexington was closed down by all of you. It was going to be closed down even before we filed that lawsuit. They told us they were going to open another prison in New Mexico. They were going to open another prison in Marianna because they did not want to deal with Lexington. Certainly, the lawsuit pushed them over the line, but we were at the line when we filed that lawsuit. Silvia Baraldini was transferred to Marianna four days ago and I have been in contact with her. Because of our camnpaign against Lexington, Marianna though it is a terrible prison and we hate it, is not a control unit. It does not have social and sensory deprivation that Lexington did and that Marion does. Soffiyah talked about Marion. I do not want to say anymore. It is a nightmare. It is the incarnate of evil. I was there last week. It chills your bones to walk into that place. I saw some people who had travelled from Chicago, they had a 5-month-old baby with them. They would not let them visit because the baby was not on the visitors' list. They had driven 9 hours. They were not even going to have a contact visit but they still would not let that little baby in. These people were crying and the guards just didn't care.

The worst thing in prison is to be ill. It is the one thing that everybody hates and in a political situation, is even worse. A great number of political prisoners have had serious medical problems. Marilyn had a tumor on her neck which was not treated properly. Silvia requested to see a gynecologist for 8 months before she was allowed to see a doctor, only to discover that she had contracted cancer of the uterus. She required two operations and radiation therapy. Laura, probably has nonspecific 9A, 9B hepatitis, is constantly sick and has not received treatment. However, the most serious case is that of Alan Berkman. Alan Berkman received only a 12-year sentence and the US government was very upset about that. Since the government wasn't able to lock him up forever, they set out ago, Alan was diagnosed as having Hodgkins Disease. It was only because he had a judge who was a humane person that he was treated properly. But now, he has suffered a relapse. The government knows he is sick, but instead of transferring him to the Mayo Clinic Hospital in Rochester, the Bureau of Prisons has announced that they are going to transfer him to Marion. Marion, where the water is contaminated, where he will sit in a cell and wait for maybe three weeks, even though he has a relapse of cancer, before they send a doctor to examine him. The doctor will sit around, maybe wait a month and a half, maybe two, and then say, "oh, well you have cancer now. We will take you to Springfield." Springfield is a morgue, it is not a hospital. It is a morgue where they put people and kill them. Rather than take him to Rochester, rather than have another judge order that Alan receive medical care, and be taken to Georgetown or some hospital, they are going to put him away, lock him up and hope that he dies. Since they were not able to give him the maximum sentence, they want to give him a death sentence instead. The situation with Alan is really critical. We must organize a letter-writing campaign right now and demand that Alan receive proper medical care. We must do everything in our power to prevent the government from murdering Alan-which is exactly what they intend to do.

Political/POW Prisoners in the United States

Puerto Rican Prisoners of War

Edwin Cortés #92153-024
Ricardo Jiménez #88967-024 A-2
Alberto Rodríguez #92150-024 B-3
FCI Lewisburg
PO Box 1000
Lewisburg, PA 17837

Carlos Alberto Torres #88976-024
FCI Talladega
902 Renfroe (Gamma-A)
Talladega, AL 35160

Luis Rosa #NO2743
Box 711
Menard, IL 62954

Elizam Escobar #88969-024
FCI Colorado Unit
PO Box 1500
El Reno, OK 73036

Alicia Rodríguez #NO7157
Box 5007
Dwight, IL 60420

Oscar Lopez-Rivera #87651-024
PO Box 1000
Marion, IL 62959

Adolfo Matos #88968-024
Lompoc Fedl. Penitentiary
3901 Klein Blvd
Lompoc, CA 93438

Dylcia Pagán #88971-024
Lucy Rodríguez #88973-024
Alejandrina Torres #92152-024
Carmen Valentín #88974-024
FCI Pleasanton
5701 8th Street
Camp Parks
Dublin, CA 94566

Puerto Rican Political Prisoners

Luz María Berríos Berríos
#24582-004
FCI Lexington
3301 Leestown Road
Lexington, KY 40511

Haydeé Beltrán #88462-024
FCI Pleasanton
5701 8th Street
Camp Parks
Dublin, CA 94566

Jaime Delgado #94736-024-B1
USP Terre Haute
PO Box 33
Terre Haute, IN 47808

Antonio Camacho Negrón #03587-069
FCI McKean
PO Box 8000
Bradford, PA 16701

New Afrikan/Black Prisoners of War and Poltical Prisoners

Richard Mafundi Lake #79972
100 Warrior Lane
Bessemer, AL 35023

Jalil A. Muntaqin #77-A-4283
s/n Anthony Bottom
Greenhaven State Prison
Drawer B
Stormville, NY 12582-0010

Sundiata Acoli #39794-066
USP Leavenworth
PO Box 1000
Leavenworth, KS 66048

Geronimo ji-Jaga Pratt #B40319
Box 1902 4B4C-210
Tehachapi, CA 93581

Adbul Majid #83-A-483
s/n Anthony LaBorde
Great Meadow Corr. Facility
PO Box 51
Comstock, NY 12821

Herman Bell #79-C-262
Basheer Hameed #82-A-6313
s/n James York
Mohaman Koti #80-A-808
Shawangunk Corr. Facility
PO Box 700
Wallkill, NY 12589

Teddy (Jah) Heath #75-A-0139
Box A-G
Fallsburg, NY 12733

Albert Nuh Washington #77-A-1528
Wende Correctional Facility
1187 Wende Road
Alden, NY 14004

Kazi Toure
s/n Chris King
FCI Lewisburg
PO Box 1000
Lewisburg, PA 17837

Johnny Imani Harris #2-373s
Sekou Kambui #113058
s/n William Turk
Atmore-Holman
Box 37 Holman Station
Atmore, AL 36503

Mondo Langa
s/n David Rice
PO Box 2500
Lincoln, NE 68502-0500

Gary Tyler #84156
Louisiana State Penitentiary
Angola, LA 70712

Mark Cook #20025-2148H
Mutulu Shakur #83205-012
Lompoc Fedl. Penitentiary
3901 Klein Blvd
Lompoc, CA 93438

Ruchell Cinque Magee
#A92051 4B3L-15
Hugo Pinell #A88401
PO Box 3456
Corcoran Prison
Corcoran, CA 93212-8310

Malike Shakur Latine #81-A-4469
PO Box 367B
Dannemora, NY 12929

Sababu Na Uhuru #07350-016
s/n William Stoner
PO Box 326
Mercersburg, PA 17236-0326

Kalima Aswad #B24120
s/n Robert Duren
CMC
San Luis Obispo, CA 93409

Sekou Odinga #05228-054
s/n Nathanial Burns
USP Marion
PO Box 1000
Marion, IL 62959

Move Prisoners

Mumia Abu Jamal #M 8335
Drawer R
Huntington, PA 16652

Ramona Johnson Africa #7564
Debbi Sims Africa #6307
Consuella Dotson Africa #6434
Alberta Wicker Africa
Janine Phillips Africa #6309
Merle Austin Africa #6306
Janet Holloway Africa #6308
Sue Leon Africa
PO Box 180
Muncy, PA 17756

Charles Sims Africa #M4975
Delbert Orr Africa #M4985
Carlos Perez Africa #M7400
Drawer K
Dallas, PA 18612-0286

William Phillips Africa #M4984
Edward Goodman Africa #4974
PO Box 200
Camp Hill, PA 17011

Michael Hill Africa #M4973
Drawer R
Huntington, PA 16652

Virgin Islands 5

Hanif Shabazz Bey #9654-131
s/n B. Gereau
PO Box 1000
Marion, IL 62959

Malik El-Amin #96557-131
s/n Meral Smith
FCI Lewisburg
PO Box 1000
Lewisburg, PA 17837

Raphael Kwesi Joseph #96558-131
Lompoc Fedl Penitentiary
3901 Klein Blvd
Lompoc, CA 93438

Abdul Aziz #96521-131
USP Leavenworth
PO Box 1000
Leavenworth, KS 66048

Native American Prisoners of War and Political Prisoners

Leonard Peltier #89637-132
USP Leavenworth
PO Box 1000
Leavenworth, KS 66048

Standing Deer #83947
s/n Robert Hugh Wilson
E. Block Box 97
McAlester, OK 74502

Eddie Hatcher #DL213
No. Carolina Central Prison
1300 Western Blvd.
Raleigh, NC 27606

North American Political Prisoners

Kathy Boudin #84-G-171
Judy Clark #83-G-313
Box 1000
Bedford Hills, NY 10507-2496

David Gilbert #83-A-6158
Attica Correctional Facility
PO Box 149
Attica, NY 14011-0149

Silvia Baraldini #05125-054
FCI Marianna
Marianna, FL 32446

Larry Giddings #10917-086
USP Leavenworth
PO Box 1000
Leavenworth, KS 66048

Ed Mead #251397
PO Box 777
Monroe, WA 98272

Resistance Conspiracy Defendants

Alan Berkman #233-315
Timothy Blunk #233-410
Marilyn Buck #233-396
Linda Evans #233-411
Susan Rosenberg #223-412
Laura Whitehorn #220-858
1901 D St SE
Washington, DC 20003

Ohio 7

Thomas Manning #202873-SH
Richard Williams #10377-016
Box CN-861
Trenton, NJ 08625

Barbara Curzi-Laaman #18213-053
FCI Pleasanton
5701 8th Street
Camp Parks
Dublin, CA 94566

Patricia Gros
c/o Sedition Committee
PO Box 4690
Springfield, MA 01101

Jaan Laaman #10372-016
USP Leavenworth
PO Box 1000
Leavenworth, KS 66048

Raymond Luc Levasseur #10376-016
PO Box 1000
Marion, IL 62959

Carol Manning #10375-016
FCI Lexington
3301 Leestown Road
Lexington, KY 40511

Ploughshares/Disarmament Prisoners

Fr. Carl Kabat #03230-045
FCI Sandstone
PO Box 1000
Sandstone, MN 55072

Richard Miller #15249-077
c/o Kindred House
1337 6th Ave
Des Moines, IA 50314

Helen Woodson #03231-045
c/o C. Dixon
3559 Highway G
Wisonsin Dell, WI 53965

Jean Gump #03789-045
FCI Alderson
Cottage 17, Box A
Alderson, WV 24910

Larry Morlan #03788-045
Marion Fedl Prison Camp
PO Box 1000
Marion, IL 62959

George Ostensen
Oak Hill Correctional Inst
PO Box 238
Oregon, WI 53575

Jim Albertini
c/o Ann Albertini
PO Box AB
Kurtistown, HI 96760

Irish Prisoners

Joseph Doherty #07792-0545
MCC New York
150 Park Row
New York, NY 10007